

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

COPY

4 -----x
5 LEIGHTON TECHNOLOGIES LLC,

6 Plaintiff,

7 Civil Action No.

8 -against-

04 CV 2496

(CM) (LMS)

9 OBERTHUR CARD SYSTEMS, S.A.,

10 Defendant.
11 -----x

12 November 22, 2005

13 12:30 p.m.

14 Deposition of BARRY MOSTELLER, taken by
15 Plaintiff, pursuant to notice, at the offices of
16 Sutherland Asbill & Brennan, 1114 Avenue of the
17 Americas, New York, New York, before Tracy
18 Eckhoff, a Shorthand Reporter and Notary Public
19 within and for the State of New York.
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1 BARRY MOSTELLER

2 documents that describes expressly how to
3 increase the pressure during the cooling cycle;
4 is that right?

5 MR. GASPARO: The objection stands.

6 A. No, I disagree.

7 Q. Can you point out where in either 1103
8 or 1104 that is described?

9 A. In the chart in 1104, in my mind, it
10 clearly shows that as you are cooling during the
11 cooling cycle, you need to increase the pressure
12 to almost double what the pressure was in the
13 heating cycle. From this diagram, it is showing
14 me, while it doesn't define the units, it is
15 showing that somewhere around five units of
16 pressure is the plateau in the hot press, and
17 then when you begin to cool, you're taking the
18 pressure up to somewhere around nine units.

19 Q. So are you saying that it's just basic
20 knowledge as to how you would increase the
21 pressure during the cooling cycle, of one skilled
22 in the art of someone who had been in the
23 industry?

24 MR. GASPARO: Objection.

25 A. What I'm saying is we have a rule of

1 BARRY MOSTELLER

2 thumb that I was taught from the very beginning
3 when I started that your cooling pressures are
4 usually double what your hot pressure is.

5 Q. So this is just basic knowledge then?

6 MR. GASPARO: Objection.

7 A. In my opinion, yes.

8 I don't mean to stop right now, but
9 somewhere soon -- I shouldn't have drank that.

10 Q. How about this? I have two minutes
11 left, because we all have to get out of here.
12 Just a few follow-up questions. Two minutes to
13 go.

14 A. Okay.

15 Q. Just some confirmatory things. In
16 preparing to sign your declaration -- let me walk
17 through a couple of things -- did you review any
18 of the Leighton patents?

19 MR. GASPARO: Objection.

20 A. Repeat the question.

21 Q. In preparing your declaration --

22 A. Yes.

23 Q. -- did you review any of the Leighton
24 patents?

25 MR. GASPARO: Objection.